

**Introduced by Senator La Malfa**  
(Coauthor: Assembly Member Nielsen)

February 13, 2012

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An act to amend Section 830.39 of the Penal Code, and to amend Section 2403.5 of the Vehicle Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as introduced, La Malfa. Peace officers: interstate cooperation.

Existing law authorizes any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety to be a peace officer in this state if all of certain conditions are met, including, but not limited to, the out-of-state officer is providing law enforcement services in response to a request for services initiated by a member of the California Highway Patrol, providing law enforcement services for the purpose of assisting a member of the California Highway Patrol, as provided, and a reciprocal operational agreement is in effect between the Department of the California Highway Patrol and the law enforcement officer's out-of-state agency.

This bill would expand the scope of these provisions to include any regularly employed law enforcement officer within the State of Oregon, the State of Nevada, or the State of Arizona and a California peace officer, as defined, and, with regard to the reciprocal operational agreements, expand the scope of these provisions to include the head of an authorized California law enforcement agency, or a designated representative, and authorized representatives of law enforcement agencies within the State of Oregon, the State of Nevada, or the State of Arizona. The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830.39 of the Penal Code is amended to  
2 read:

3 830.39. (a) Any regularly employed law enforcement officer  
4 ~~of the Oregon State Police, the Nevada Department of Motor~~  
5 ~~Vehicles and Public Safety, or the Arizona Department of Public~~  
6 ~~Safety within the State of Oregon, the State of Nevada, or the State~~  
7 ~~of Arizona~~ is a peace officer in this state if all of the following  
8 conditions are met:

9 (1) The officer is providing, or attempting to provide, law  
10 enforcement services within this state on the state or county  
11 highways and areas immediately adjacent thereto, within a distance  
12 of up to 50 statute miles of the contiguous border of this state and  
13 the state employing the officer.

14 (2) The officer is providing, or attempting to provide, law  
15 enforcement services pursuant to either of the following:

16 (A) In response to a request for services initiated by a ~~member~~  
17 ~~of the California Highway Patrol~~ *California peace officer as*  
18 *defined in Section 830.1 or subdivision (a) of Section 830.2.*

19 (B) In response to a reasonable belief that emergency law  
20 enforcement services are necessary for the preservation of life,  
21 and a request for services by a ~~member of the Department of the~~  
22 ~~California Highway Patrol~~ *California peace officer, as defined in*  
23 *Section 830.1 or subdivision (a) of Section 830.2*, is impractical  
24 to obtain under the circumstances. In those situations, the officer  
25 shall obtain authorization as soon as practical.

26 (3) The officer is providing, or attempting to provide, law  
27 enforcement services for the purpose of assisting a ~~member of the~~  
28 ~~California Highway Patrol~~ *California peace officer, as defined in*  
29 *Section 830.1 or subdivision (a) of Section 830.2*, to provide  
30 emergency service in response to misdemeanor or felony criminal  
31 activity, pursuant to the authority of a peace officer as provided  
32 in *Section 830.1 or subdivision (a) of Section 830.2*, or, in the  
33 event of highway-related traffic accidents, emergency incidents  
34 or other similar public safety problems, whether or not a ~~member~~  
35 ~~of the California Highway Patrol~~ *California peace officer, as*

1 *defined in Section 830.1 or subdivision (a) of Section 830.2, is*  
2 *present at the scene of the event. Nothing in this section shall be*  
3 *construed to confer upon the officer the authority to enforce traffic*  
4 *or motor vehicle infractions.*

5 (4) An agreement pursuant to Section 2403.5 of the Vehicle  
6 Code is in effect between ~~the Department of the California~~  
7 ~~Highway Patrol~~ *a California law enforcement agency employing*  
8 *California peace officers, as defined in Section 830.1 or subdivision*  
9 *(a) of Section 830.2, and the agency of the adjoining state*  
10 *employing the officer, the officer acts in accordance with that*  
11 *agreement, and the agreement specifies that the officer and*  
12 *employing agency of the adjoining state shall be subject to the*  
13 *same civil immunities and liabilities as a peace officer and his or*  
14 *her employing agency in this state.*

15 (5) The officer receives no separate compensation from this  
16 state for providing law enforcement services within this state.

17 (6) The adjoining state employing the officer confers similar  
18 rights and authority upon ~~a member of the California Highway~~  
19 ~~Patrol~~ *California peace officer, as defined in Section 830.1 or*  
20 *subdivision (a) of Section 830.2, who renders assistance within*  
21 *that state.*

22 (b) Whenever, pursuant to Nevada law, a Nevada correctional  
23 officer is working or supervising Nevada inmates who are  
24 performing conservation-related projects or fire suppression duties  
25 within California, the correctional officer may maintain custody  
26 of the inmates in California, and retake any inmate who should  
27 escape in California, to the same extent as if the correctional officer  
28 were a peace officer in this state and the inmate had been  
29 committed to his or her custody in proceedings under California  
30 law.

31 (c) Notwithstanding any other provision of law, any person who  
32 is acting as a peace officer in this state in the manner described in  
33 this section shall be deemed to have met the requirements of  
34 Section 1031 of the Government Code and the selection and  
35 training standards of the Commission on Peace Officer Standards  
36 and Training if the officer has completed the basic training required  
37 for peace officers in his or her state.

38 (d) ~~In no case shall a~~ A peace officer of an adjoining state *shall*  
39 *not* be authorized to provide services within a California

1 jurisdiction during any period in which the regular law enforcement  
2 agency of the jurisdiction is involved in a labor dispute.

3 SEC. 2. Section 2403.5 of the Vehicle Code is amended to  
4 read:

5 2403.5. ~~The commissioner, head of an authorized California~~  
6 ~~law enforcement agency, or a designated representative, may enter~~  
7 ~~into reciprocal operational agreements with authorized~~  
8 ~~representatives of the Oregon State Police, the Nevada Department~~  
9 ~~of Motor Vehicles and Public Safety, and the Arizona Department~~  
10 ~~of Public Safety law enforcement agencies within the State of~~  
11 ~~Oregon, the State of Nevada, or the State of Arizona to promote~~  
12 ~~expeditious and effective law enforcement service service to the~~  
13 ~~public, and assistance between the members of the California~~  
14 ~~Highway Patrol California peace officers, as defined in Section~~  
15 ~~830.1 or subdivision (a) of Section 830.2, and those agencies, in~~  
16 ~~areas adjacent to the borders of this state and each of the adjoining~~  
17 ~~states pursuant to Section 830.32 830.39 of the Penal Code. The~~  
18 ~~reciprocal operational agreement shall be in writing and may cover~~  
19 ~~the reciprocal exchange exchange of law enforcement services,~~  
20 ~~resources, facilities and any other necessary and proper matters~~  
21 ~~between the Department of the California Highway Patrol~~  
22 ~~authorized California law enforcement agency and the respective~~  
23 ~~agency. Any agreement shall specify the involved departments,~~  
24 ~~divisions, or units of the agencies, the duration and purpose of the~~  
25 ~~agreement, the responsibility for damages, the method of financing~~  
26 ~~any joint or cooperative undertaking, and the methods to be~~  
27 ~~employed to terminate an agreement. The commissioner head of~~  
28 ~~the California law enforcement agency may establish operational~~  
29 ~~procedures in implementation of any reciprocal operational~~  
30 ~~agreement that are necessary to achieve the purposes of the~~  
31 ~~agreement.~~

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34 CORRECTIONS:

35 Heading—Coauthors—Line 2.  
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